



CITY OF KIRKLAND

Planning and Community Development Department
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ADVISORY REPORT FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director

From: _____ Stacy Clauson, Project Planner

Date: February 3, 2005

File: KIRKWOOD SHORT PLAT, FILE NO. SPL04-00027

I. INTRODUCTION

A. APPLICATION

1. Applicant: The Kirkwood Company, PO Box 2996, Redmond, WA 98073
2. Site Location: 729 Kirkland Way (see Attachment 1)
3. Request: Divide a 12,344 square foot property into two residential lots in the RM 3.6 zone (see Attachment 2).
4. Review Process: Short plat, Planning Director decision
5. Summary of Key Issues and Conclusions: The key issue in consideration of this short plat is compliance with established development regulations

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (see Conclusion II.F.2).
2. Prior to recording the short plat, the applicant shall:
 - a. Obtain a demolition permit from the City of Kirkland and remove the existing residence (see Conclusion II.A.b).

- b. Install the required improvements as described in Attachment 3 and as follows:
 - (1) A 10-foot wide paved road within a 15-foot vehicular access easement (see Conclusion II.D.1.b).
 - (2) Prior to installing these improvements, plans must be submitted for approval by the Department of Public Works.
 - (3) In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of plat approval (see Conclusion II.D.2.b).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

- 1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 12,344 square feet (.28 acres)
 - (2) Land Use: The property is currently developed with a single-family residence and detached garage. Both structures are proposed to be removed as part of the redevelopment of the site.
 - (3) Zoning: RM 3.6, a multi-family residential zone wherein detached dwelling units have a minimum lot size of 3,600 square feet.
 - (4) Terrain and Vegetation: The site is generally rectangular in shape and is bounded on the north by Kirkland Avenue. The site topography slopes down from the south to the north with about 10 feet of elevation change across the property. There are no significant trees located on the property.
 - b. Conclusions: Size, terrain, and vegetation are not constraining factors in this application. The existing residence would encroach into the rear yard setback on Lot 1 and into the proposed access easement and required setback from the easement. The existing residence should be removed or altered so that no new nonconformances are created with the short plat.
- 2. Neighboring Development and Zoning:
 - a. Facts: The subject property is surrounded by the following zones and uses:
 - North: Kirkland Way. On the north side of the right-of-way the property is zoned PLA 5A and the property is developed with a multi-family apartment building.
 - South: RM 3.6 zone, containing multi-family residences.
 - East: RM 3.6 zone, containing multi-family residences.
 - West: RM 3.6 zone, containing multi-family residences

- b. Conclusion: The neighborhood development and zoning are not constraining factors in this application.

B. PUBLIC COMMENT

Facts: The Public Comment Period for the project extended from December 23, 2004 to January 10, 2005. There were no comments received on this application.

C. APPROVAL CRITERIA

1. SHORT PLATS

- a. Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:

- (1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
- (2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 145.45 states that the Planning Director may approve a short subdivision only if:

- (3) It is consistent with the all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.

- b. Conclusion: The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 145.45. It is consistent with the Comprehensive Plan (see Section II.E). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections II.D) and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it will allow for infill development to meet the City's growth needs in a way that is compatible with the City development standards and the Comprehensive Plan.

D. DEVELOPMENT REGULATIONS

1. Vehicular Access Easements or Tracts

- a. Facts: Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

- (1) Zoning Code section 105.10 establishes dimensional standards for vehicular access easements or tracts. Easements or tracts which serve

1-4 lots must be 21 feet wide and contain a paved surface 16 feet in width. Easements or tracts less than 100 feet in length which serve 1-4 lots must be 15 feet wide and contain a paved surface 10 feet in width.

- (2) The current proposal shows a 15 foot access easement with a 10-foot wide paved surface. The easement is less than 100 feet in length.

- b. Conclusion: The proposed vehicular access easement complies with section 105.10. A 10-foot wide paved road should be installed within the proposed vehicular access easement.

2. Bonds and Securities

- a. Facts:

- (1) Municipal Code section 22.32.080 states that in lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat.
- (2) Zoning Code section 175.10.2 establishes the circumstances under which the City may consider the use of a performance security in lieu of completion of certain site work prior to occupancy. The City may consider a performance security only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and occupancy prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.

- b. Conclusions:

- (1) Site and right-of-way improvements required as a result of the plat should be completed prior to recording, unless a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of plat approval is submitted.
- (2) In order to ensure timely completion of all required site and right-of-way improvements, such improvements should be completed prior to occupancy, unless the applicant can demonstrate compliance with the criteria in Zoning Code section 175.10.2.

E. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Moss Bay neighborhood. Figure C-2 on page XV.D-3 designates the subject property for medium and high density residential development, with a maximum density of 12 units per acre (see Attachment 4).
2. Conclusion: The proposal is consistent with the Comprehensive Plan designation.

F. DEVELOPMENT REVIEW COMMITTEE

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. MINOR MODIFICATIONS

Modifications to short plats after approval and prior to recording shall require a new short plat application unless such modifications constitute minor modifications under the following criteria:

- A. The modification does not involve the alteration or vacation of city easements, roads, or city owned lands; and
- B. The Planning Director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and
- C. The modification will not increase the number of lots; and
- D. The modification will not significantly alter any condition of approval.

The request for minor modification shall be submitted in writing to the Planning Department. The Planning Director's decision will be the final decision of the City.

IV. APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

A. APPEALS

Appeal to the Hearing Examiner:

Section 145.60 of the Zoning Code allows the Planning Director's decision to be appealed by the applicant or any person who submitted written comments or information to the Planning Director. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., **February 22, 2005**, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

B. JUDICIAL REVIEW

Section 145.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 22.20.370 of the Subdivision Ordinance, the short plat must be recorded with King County within four (4) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

VI. APPENDICES

Attachments 1 through 5 are attached.

1. Vicinity Map
2. Proposal
3. Development Standards
4. Figure C-2 on page XV.D-3
5. Landscape Maintenance Agreement

VII. PARTIES OF RECORD

Applicant, The Kirkwood Company, PO Box 2996, Redmond, WA 98073
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

Review by Planning Director:

I concur ☐ I do not concur ☐

Comments: _____

Eric R. Shields Date